

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

NOV 02 2017


Clerk

IN THE MATTER OF A GRAND JURY
INVESTIGATION OF FACEBOOK
ACCOUNTS

5:17-mc-29
MOTION FOR NONDISCLOSURE

The United States respectfully applies for an order of nondisclosure to Facebook Inc. under 18 U.S.C. § 2705(b) regarding the accounts of:

Jalen Shelly Walking Eagle with Facebook user id: 100006205279153;

Shelly Jadee with Facebook user id: 100008957868690; and

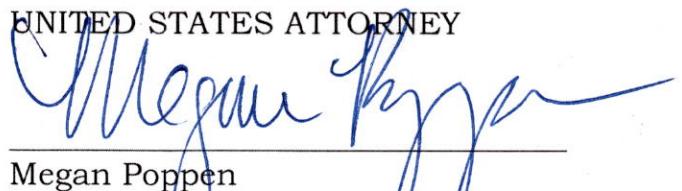
Kevin Walking Eagle Sr. with Facebook user id: 100011804948830.

The United States has sought a grand jury subpoena for subscriber information, including all names, addresses, IP addresses, including historical, telephone numbers, other email addresses, information on length and types of services and any means of payment related to these accounts under the authority given by 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A). Based on § 2703(c)(3), the United States is not required to provide notice to the subscriber. Under § 2705(b), the United States may apply to the court for an order commanding Facebook Inc. not to notify the subscribers of the existence of the subpoena. The court may decide what length of time shall apply to the order of nondisclosure if the court determines the notification to the subscriber could result in one of the five factors listed in the statute, which includes destruction of or tampering with evidence. 18 U.S.C. § 2705(b)(3).

The basis for the request is that such disclosure could cause any person with access to the account, or any related account or account information, to tamper with or modify the content or account information and thereby destroy or tamper with evidence and otherwise seriously jeopardize the investigation.

Dated this 1st day of November, 2017.

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